

REMARKS

With this Reply, Claims 1, 4, 34, 40, 45, 48, 77, 80, 103 and 113 have been amended and Claims 3, 5, 21-31, 41, 47, 49, 64-74, 79, 81, 93-100, 114 and 115 have been canceled. No Claims have been added. After entry of this Reply, Claims 1, 2, 4, 6-20, 32-40, 42-46, 48, 50-63, 75-78, 80, 82-92, 101-113 and 116-120 are pending in the instant Application. Applicants expressly reserve the right to prosecute Claims drawn to canceled subject matter in one or more continuation, divisional or continuation-in-part applications.

AMENDMENT OF CLAIMS

Support for the amendment of Claims 1, 45, 77, 103 and 113 may be found, for example, in originally filed Claims 3, 47, 49 and 79 and page 7, lines 17-20 of the Specification. Claims 4, 34, 40, 48 and 80 have been amended to conform to proper antecedent basis.

No new matter is added by the amendment of Claims 1, 4, 34, 40, 45, 48, 77, 80, 103 and 113. Accordingly, entry into the instant Application is proper and respectfully requested.

REJECTION UNDER 35 U.S.C. § 102 (b)

Claims 1, 2, 21, 22, 24, 26-28, 30, 45, 46, 64-66, 68-71, 73, 113 and 115 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Grahn, United States Patent No. 5,683,438 (hereinafter "Grahn"). Claims 21, 22, 24, 26-28, 30, 64-66, 68-71, 73 and 115 have been canceled which renders the rejection of these Claims moot. Applicants traverse the rejection of Claims 1, 2, 45, 46 and 113.

Anticipation of a claim requires that the reference teach every element of the claim. MPEP § 2131. Thus, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California* 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent Claims 1, 45, and 113 recite, *inter alia*, a chamber for enclosing a body portion of a mammal. The chamber is comprised of a base member, a moveable member which matingly engages the base member and a fastener which maintains engagement of said base member with said moveable member. The body portion is enclosed in the chamber by moving the moveable member towards the base member. The body portion is removed from the chamber by moving the moveable member away from the base member.

In contrast, Grahn discloses a chamber which is a hollow tubular sleeve (Figures 1 and 2). Grahn fails to teach or suggest a chamber comprised of a base member, a moveable member and a fastener which maintains engagement of said base member with said moveable member which are required elements of the invention recited in Claims 1, 45, and 113.

Accordingly, Grahn fails to anticipate independent Claims 1, 45 and 113. Since Claims 2 and 46 depend from Claims 1 and 45, respectively, Grahn also fails to anticipate these Claims.

In view of the foregoing, Applicants respectfully request that the rejection of Claims 1, 2, 45, 46 and 113 under 35 U.S.C. § 102 (b) as being anticipated by Grahn be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 25, 29, 31-33, 72, 74-78, 93, 95, 97-102, 108, 109 and 112 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahn. Claims 25, 29, 31, 72, 74, 93, 95 and 97-100 have been canceled which renders the rejection of these Claims moot. Applicants traverse the rejection of Claims 75-78, 101, 102, 108 and 109.

Applicants respectfully point out that the Patent Office bears the initial burden of establishing a *prima facie* case of obviousness. *In re Bell* 26 USPQ2d 1529, 1530 (Fed. Cir. 1993); MPEP § 2142. Accordingly, *inter alia*, the Patent Office must establish that the prior art, either alone or in combination, teaches or suggests each and every limitation of the rejected claims. *Litton Indus. Products, Inc. v. Solid State Systems* 755 F.2d 158, 164 (Fed. Cir. 1985); *In re Royka* 180 USPQ 580 (CCPA 1974); *In re Wilson* 165 USPQ 494 (CCPA 1970); MPEP § 706.02(j). The teaching or suggestion to make the claimed invention, must come from the prior art, rather than the Applicants' specification. *In re Vaeck* 20 USPQ2d 1438 (Fed. Cir. 1991). If this criteria is not met, *prima facie* obviousness is not established.

Applicants have shown above that Grahn fails to teach or suggest each and every limitation of the chamber recited in independent Claims 1 and 45. Independent Claims 77 and 103 recite the same chamber as independent Claims 1 and 45. Accordingly, Grahn fails to teach or suggest the chamber recited in independent Claims 77 and 103. Thus, Grahn fails to render independent Claims 77, and 103 unpatentable under 35 U.S.C. § 103(a). Since Claims 75-78, 101, 102, 108 and 109 depend from either independent Claims 77 or 103, Grahn also fails to render these Claims obvious.

In view of the foregoing, Applicants respectfully request that the rejection of Claims 75-78, 101, 102, 108 and 109 under 35 U.S.C. § 103 (a) as being unpatentable over Grahn be withdrawn.

Claims 3-7, 10-20, 34-42, 47-51, 54-63, 107, 110, 114 and 116-120 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahn in view of Grahn *et al.*, United States Patent Application No. 2002/0019653 (hereinafter, "Grahn *et al.*"). Claims 3, 5, 41, 47 and 114 have been canceled which renders the rejection of these Claims moot. Applicants traverse the rejection of Claims 4, 6, 10-20, 34-40, 42, 48-51, 54-63, 107 and 116-120.

Grahn discloses a chamber which is a hollow tubular sleeve (Figures 1 and 2). Grahn *et al.* teaches a chamber made up of a cover and base which are mechanically secured to one another through bolt holes (Grahn *et al.*, page 6, paragraph [0058]). Grahn *et al.* state that a separable base and cover provide advantageous access to clean the device after use holes (Grahn *et al.*, page 6, paragraph [0059]).

Contrastingly, the invention recited in independent Claims 1, 45, 77, 103 and 113 requires a fastener adapted to maintain engagement of the base member with the moveable member where the moveable member moves toward the base member to enclose the body portion in the chamber and the moveable member moves away from the base member to remove the body portion from the chamber. Both Grahn and Grahn *et al.* fail to teach or suggest that the base and cover can move towards one another to enclose the body portion in the chamber or that the base and cover can move away from one another to remove the body portion from the chamber. Accordingly, the combination of Grahn and Grahn *et al.* fails to teach or suggest the chamber recited in independent Claims 1, 45, 77, 103 and 113.

Accordingly, Grahn *et al.* fails to cure the deficiency of Grahn to render independent Claims 1, 45, 77, 103 and 113 obvious under 35 U.S.C. § 103 (a). Since Claims 4, 6, 10-20, 34-40, 42, 48-51, 54-63, 107 and 116-120 depend from at least one of independent Claims 1, 45, 103 or 113, the combination of Grahn and Grahn *et al.* also fails to render these Claims obvious.

In view of the foregoing, Applicants respectfully request that the rejection of Claims 4, 6, 10-20, 34-40, 42, 48-51, 54-63, 107 and 116-120 under 35 U.S.C. § 103 (a) as being unpatentable over Grahn in view of Grahn *et al.* be withdrawn.

Claims 79-83 and 86-92 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahn, as applied to Claim 77, and further in view of Grahn *et al.*

Claims 79 and 81 have been canceled which renders the rejection of these Claims moot. Applicants traverse the rejection of Claims 80, 82, 83 and 86-92.

Applicants have shown above that the combination of Grahn and Grahn *et al.* fails to render independent Claim 77 unpatentable. Since Claims 80, 82, 83 and 86-92 depend from independent Claim 77, the combination of Grahn, as applied to Claim 77, and Grahn *et al.* also fails to render these Claims obvious.

In view of the foregoing, Applicants respectfully request that the rejection of Claims 80, 82, 83 and 86-92 under 35 U.S.C. § 103 (a) as being unpatentable over Grahn in view of Grahn *et al.* be withdrawn.

Claims 23, 67 and 106 stand rejected under 35 U.S.C. § 103 (a) as being as being unpatentable over Grahn in view of Cho *et al.*, United States Patent No. 5,369,807 (hereinafter, "Cho"). Claims 23 and 67 have been canceled which renders the rejection of these Claims moot. Applicants traverse the rejection of Claim 106.

Cho teaches using an inflatable air bladder in the wrist strap to releasably seal the user's wrist within the therapeutic glove of the invention (Cho, column 2, lines 12-15. Cho fails to teach or suggest that the base and cover can move towards one another to enclose the body portion in the chamber or that the base and cover can move away from one another to remove the body portion from the chamber. Accordingly, the combination of Grahn and Cho fails to teach or suggest the chamber recited in independent Claims 1, 45, 77, 103 and 113.

Thus, Cho fails to cure the deficiency of Grahn to render independent Claims 1, 45, 77, 103 and 113 obvious under 35 U.S.C. § 103 (a). Since Claim 106 depends from independent Claim 103 the combination of Grahn and Cho also fails to render this Claim obvious for at least the same reason.

In view of the foregoing, Applicants respectfully request that the rejection of Claim 106 under 35 U.S.C. § 103 (a) over Grahn in view of Cho be withdrawn.

Claim 96 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahn, as applied to Claim 95, in view of Cho. Claim 96 has been canceled which renders the rejection of this Claim moot.

Claims 8, 9, 52 and 53 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahn in view of Grahn *et al.*, as applied to Claims 7 and 51, and further in view of Cho.

Applicants have shown that Grahn *et al.* fail to cure the deficiency of Grahn to render independent Claims 1, 45, 77, 103 and 113 obvious under 35 U.S.C. § 103(a).

Applicants have also shown above that Cho fail to cure the deficiency of Grahm to render independent Claims 1, 45, 77, 103 and 113 obvious under 35 U.S.C. § 103(a). Applicants submit that the combination of Cho and Grahm *et al.* fail to cure the deficiency of Grahm to render independent Claims 1, 45, 77, 103 and 113 obvious under 35 U.S.C. § 103(a) for reasons previously advanced. Since Claims 8, 9, and 52-53 depend from independent Claims 1 and 45, the combination of Grahm, Grahm *et al.* and Cho also fails to render these Claims obvious.

In view of the foregoing, Applicants respectfully request that the rejection of Claims 8, 9, 52 and 53 under 35 U.S.C. § 103 (a) as being unpatentable over Grahm in view of Grahm *et al.* as applied to Claims 7 and 51 and further in view of Cho be withdrawn.

Claims 84 and 85 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahm, as applied to Claim 77, in view of Grahm *et al.* as applied to Claim 83, and further in view of Cho. Applicants traverse the rejection.

Applicants have shown above that the combination of Grahm, Grahm *et al.* and Cho fails to render independent Claim 77 obvious under 35 U.S.C. § 103(a). Since Claims 84 and 85 dependent from independent Claim 77, the combination of Grahm, Grahm *et al.* and Cho also fails to render these Claims obvious.

In view of the foregoing, Applicants respectfully request that the rejection of Claims 84 and 85 under 35 U.S.C. § 103 (a) as being unpatentable over Grahm, as applied to Claim 77, in view of Grahm *et al.* as applied to Claim 83, and further in view of Cho be withdrawn.

Claim 43 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahm, in view of Grahm *et al.* as applied to Claim 42 and further in view of Borders *et al.*, United States Patent No. 6,149,674 (hereinafter "Borders"). Applicants traverse the rejection.

Borders also fails to teach or suggest a chamber comprised of a base and cover where the base and cover can move towards one another to enclose the body portion in the chamber or the base and cover can move away from one another to remove the body portion from the chamber.

Accordingly, Borders fails to cure the deficiency of the combination of Grahm and Grahm *et al.*, to render independent Claim 1 obvious under 35 U.S.C. § 103(a). Since Claim 43 depends from independent Claim 1, the combination of Grahm, Grahm *et al.* and Borders also fails to render this Claim obvious.

In view of the foregoing, Applicants respectfully requests that the rejection of Claim 43 under 35 U.S.C. § 103 (a) as being unpatentable over Grahn in view of Grahn *et al.* as applied to Claim 42 and further in view of Borders be withdrawn.

Claim 44 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grahn, in view of Grahn *et al.* as applied to Claim 42 and further in view of Borders *et al.*, and still further in view of Cho.

Applicants have shown that Cho fail to cure the deficiency of Grahn and Grahn *et al.* to render independent Claim 1 obvious under 35 U.S.C. § 103(a). Applicants have also shown above that Borders fail to cure the deficiency of Grahn and Grahn *et al.* to render independent Claim 1 obvious under 35 U.S.C. § 103(a). Applicants submit that the combination of Cho and Borders fail to cure the deficiency of Grahn and Grahn *et al.* to render independent Claim 1 obvious under 35 U.S.C. § 103(a). Since Claim 44 depends independent Claim 1, the combination of Grahn, Grahn *et al.*, Cho and Borders fails to render this Claim obvious.

In view of the foregoing, Applicants respectfully requests that the rejection of Claim 44 under 35 U.S.C. § 103 (a) as being unpatentable over Grahn in view of Grahn *et al.* as applied to Claim 42 and further in view of Borders, as applied to Claim 43 and still further in view of Cho be withdrawn.

CONCLUSION

Applicants respectfully submits that all pending Claims of the captioned Application satisfy all requirements for patentability and are in condition for allowance. An early indication of the same is therefore respectfully requested.

No fees are believed due in connection with this Reply beyond the Petition to Extend Time. However, the Commissioner is authorized to charge any required fee not included with this Amendment or credit any overpayment to Deposit Account No. 03-3117.

If the Examiner determines that prosecution of the instant application would benefit from a telephone interview, the Examiner is invited to call the undersigned attorney at (650) 843-5876.

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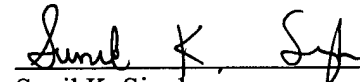
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